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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,188	07/30/2001	Keith Alexander Harrison	30003040-2	2580

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

SCHUBERT, KEVIN R

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/918,188

Applicant(s)

HARRISON ET AL.

Examiner

Kevin Schubert

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

With regard to 103(a) rejection of claim 54 under Chan in view of Toyoda, Applicant argues that the claim limitation sending a non-encrypted transmission "when the second station is determined to not be capable of stopping a transmitted document from being released until the intended recipient has proved their identity" is not met by the combination of references. Examiner disagrees. The Toyoda reference teaches that a first fax station may be configured for transmitting a document to a recipient in an encrypted form. The document is encrypted so that the intended recipient is only able to retrieve the document after decryption via the decryption key, thus establishing that only a proper intended recipient, verified by a decryption key, has access to the document. When it is determined that the recipient is not capable of encryption/decryption, and correspondingly verification of identification, a document is sent as a normal un-encrypted transmission. Accordingly, the combination of Toyoda with Chan teaches sending a document as a non-encrypted transmission when it is determined that the intended recipient's identity cannot be verified via cryptography.

With regard to the 103(a) rejection of claim 1 under Chan in view of Nishiwaki, Applicant argues that the limitation "receiving and securely retaining a transmitted document at a printout station" is not met because the processes of Chan cannot be co-located since Chan discloses an embodiment in which a document store forwards a document to a printout station. Even if meeting the foregoing claim limitation required the processes to be co-located (Examiner believes the limitation is met regardless), Examiner has indicated that Applicant's argument that the processes cannot be co-located is moot because Chan expressly discloses that the processes may be co-located, even residing on the same computer (Col 8, lines 30-34). Applicant further argues that the computer may not be a printout station. Again, as indicated by Chan, the entire system described may be contained in a single computing device: "The components and processes above need not reside on different computers....the local computer 100 could support directory server and document store processes, as well as a secure printer process" (Col 8, lines 30-34).

With regard to the 103(a) rejection of claim 1 under Mandelbaum in view of Nishiwaki, Applicant argues that no motivation exists since combining Nishiwaki with Mandelbaum renders Nishiwaki "unsatisfactory for its intended purpose" (MPEP 2143.01) because it provides a duplicative security check. Examiner respectfully believes one must be facetious to suggest that combining a security technique, such as Nishiwaki's, into a system to increase security renders the security technique "unsatisfactory for its intended purpose" merely because a level of security already exists. Combining Nishiwaki with Mandelbaum ensures that a user must provide two layers of security (e.g. a smartcard for decryption and a pin to access the printed document). Examiner further notes if Applicant's reasoning were sound, there would be no need to ever twice encrypt a message or authenticate a user based on two biometric samples. As a more practical example, if Applicant's statements were accurate "the club" for automobile steering wheels would be "unsatisfactory for its intended purpose" merely because an automobile door has a lock.

With regard to the 103(a) rejection of claims 21 and 40 under Chan in view of Carman, Applicant presents arguments which are believed to be addressed above. Further, Applicant presents a series of claim limitations (Remarks: page 5, third and fourth paragraphs) and notes that Applicant's arguments do not amount to a general allegation of patentability, and thus should be objected to under 37 CFR 1.111(b), because Applicant expressly states claim limitations believed to be deficient. Examiner reminds Applicant that the mere pointing out of claim limitation(s) believed to be deficient does not satisfy the requirements of 37 CFR 1.111(b). To be in compliance, an Applicant must state how the language of the claims patentably distinguishes over the teachings of the cited references. No analysis of how cited claim language patentably defines over the specific teachings of the cited references is presented.

With regard to the 103(a) rejection of claims 41 and 49 under Chan in view of Nishiwaki, Applicant argues that an intended recipient does not prove his identity. Such an argument was addressed in the previous action (page 18, lines 5-17).

With regard to the 103(a) rejection of claims 41 and 49 under Mandelbaum in view of Nishiwaki, Applicant argues that motivation does not exist. Such an argument has been addressed above with respect to claim 1.